

1 QUIN DENVER, Bar #49374
2 Federal Defender
3 MARK J. REICHEL, Bar #155034
Assistant Federal Defender
3 801 I Street, 3rd Floor
Sacramento, California 95814
4 Telephone: (916) 498-5700

5 Attorney for Defendant
TYREE SWINDELL

6

7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9

10 UNITED STATES OF AMERICA,)
11 Plaintiff,) Case No. CR.S-05-0002-MCE
12)
13 v.) STIPULATION AND ORDER;
14) EXCLUSION OF TIME
15 TYREE SWINDELL,)
16 Defendant.) Date: September 13, 2005
17) Time: 8:30 A.m.
18 Judge: Hon. Morrison C. England Jr.

19 IT IS HEREBY STIPULATED by and between the parties hereto through
20 their respective counsel, ANNE PINGS, Assistant United States Attorney,
21 attorney for Plaintiff, MARK J. REICHEL, Assistant Federal Defender,
22 attorney for Defendant, that the previously scheduled in limine motion
23 to exclude government's proffered 404(B) evidence and the trial
24 conference hearing date of September 6, 2005 be vacated and the matter
25 set for trial conference hearing on September 13, 2005 at 8:30 am.

26 This continuance is requested to allow defense counsel additional
27 time to review discovery with the defendant, to examine possible
defenses and to continue investigating the facts of the case.

28 Accordingly, all counsel and the defendant agree that time under
the Speedy Trial Act from the date this stipulation is lodged, through

1 September 13, 2005, should be excluded in computing the time within
2 which trial must commence under the Speedy Trial Act, pursuant to Title
3 18 U.S.C. § 3161 (H) (8) (B) (iv) and Local Code T4.

4 DATED: September 2, 2005.

Respectfully submitted,

5 QUIN DENVER
Federal Public Defender

7 DATED: September 2, 2005.

/s/MARK J. REICHEL
MARK J. REICHEL
Assistant Federal Defender
Attorney for Defendant

10 DATED: September 2, 2005.

McGREGOR SCOTT
United States Attorney

11 DATED: September 2, 2005.

/s/MARK J. REICHEL for
ANNE PINGS
Assistant U.S. Attorney
Attorney for Plaintiff

12

13 **O R D E R**

14 **IT IS SO ORDERED.** The court finds that the interests of justice
15 in granting the continuance outweighs the public's interest in a speedy
16 trial and therefore time is excluded in the interests of justice
17 pursuant to 18 U.S.C. § 3161 (H) (8) (B) (iv) and Local Code T4.

18 DATED: September 6, 2005

19

20

21

22

23

24

25

26

27

28



MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE